

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

ELMER RICHARDSON

19-13557-JDW

NOTICE OF TRUSTEE'S MOTION TO DISMISS

Should any party receiving this notice respond or object to said motion, such response is required to be filed on or before March 23, 2020, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of such response must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time for responses has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney if known.

Dated: February 28, 2020

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

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MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”) by and through counsel, and files this Motion to Dismiss (the “Motion”) and in support thereof states as follows:

1. On August 21, 2019, the Debtor initiated this proceeding with the filing of a Chapter 13 bankruptcy petition. The Debtor filed her proposed Third Amended Chapter 13 Plan on January 16, 2020 (Dkt. #56) (the “Plan”). The Reset Section 341(a) Meeting of Creditors was held on November 19, 2019. Except as stated below, this case would otherwise be ready for confirmation.

2. The Debtor has failed to fully fund the Plan and is \$2,861.00 delinquent in plan payments through February 2020. Plan payments continue to accrue at the rate of \$5,234.00 monthly thereafter. The failure by the Debtor to fund the Plan demonstrates that the Plan is not feasible and, therefore, cannot be confirmed.

3. The Trustee requests that this bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: February 28, 2020

Respectfully submitted,

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

By: /s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: February 28, 2020

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN